

REPORT OF THE
HOUSE INTERIM COMMITTEE
ON
SCHOOL VIOLENCE AND SAFE CHILDREN

Rep. Phil Smith, 11th District
Chairman

December 17, 1999

Prepared by
House Research

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PHILIP G. SMITH
State Representative
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Vice Chairman:
Tobacco Settlement Committee
Member:
Agriculture
Critical Issues
Judiciary
Utilities Regulation

December 17, 1999

Honorable Steve Gaw
Speaker of the Missouri House of Representatives
Room 308 State Capitol Building
Jefferson City, Missouri 65101

Re: House Interim Committee on School Violence and Safe Children

Dear Mr. Speaker:

Please find attached hereto your House Interim Committee on School Violence and Safe Children Report. Acting pursuant to your appointment, our Committee has met, taken testimony and concluded its study, the result of which is the attached report.

As you may have surmised, this is a complicated and complexing issue with many and varied aspects to it. Our Committee took a lot of testimony from various individuals, as reflected by the report.

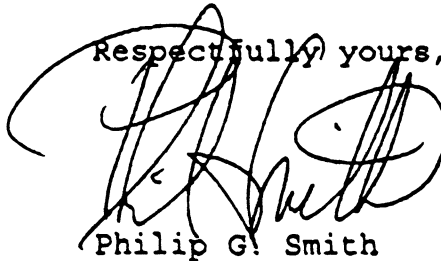
Because of the complexity of the issue, I did not believe that the Committee could make specific recommendations as to legislation, or agree upon specific recommendations and, therefore, have chosen to submit the report to you without specific recommendations as to needed legislation. I firmly believe that it was the consensus of most of the people who testified in front of our Committee that had any knowledge of the juvenile legislation which was done in 1995 and the Safe Schools Act of 1996, that both of those pieces of legislation have been most helpful in keeping both our schools and our children safe. There are very few, if any, issues about those pieces of legislation that may need to be addressed. It was also the consensus of many of the people who testified, that the Safe Schools Act and the alternative education that has come about because of the Safe Schools Act are both very important and should be continued by additional funding.

Honorable Steve Gaw
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I appreciate the confidence that you showed in me by appointing me Chairman of this most important Committee, and I would commend to you the members of the Committee who are most active in the hearing process. I commend you for your foresight in trying to continue to be in the forefront of issues concerning safe children and school safety.

If you have any questions in regard to this matter, please feel free to call on me.

Respectfully yours,

A handwritten signature in black ink, appearing to be "Philip G. Smith", written over the typed name. The signature is stylized with large loops and a prominent "P".

Philip G. Smith

Enclosure

cc: All Committee Members

INTRODUCTION

Speaker of the House, Rep. Steve Gaw appointed the House Interim Committee on School Violence and Safe Children in September 1999. The Committee was composed of:

Rep. Phil Smith (Chairman)

**Rep. D.J. Davis
Rep. Mark Hampton
Rep. Kate Hollingsworth
Rep. Ralph Monaco
Rep. Marilyn Williams
Rep. Russell Gunn**

**Rep. Carl Hendrickson
Rep. Mary Kasten
Rep. Emmy McClelland
Rep. Mary Lou Sallee
Rep. Don Summers
Rep. Merrill Townley**

In light of recent school violence incidents, Speaker Gaw charged the Committee to study:

- 1) The overall issue of violence on and near school premises;**
- 2) The root causes and effects of violence against or by children and what should be done to address it;**
- 3) What school administrative measures, if any, are necessary to prevent further violence and ensure school safety;**
- 4) Community involvement of parents, school officials and teachers, juvenile courts, state agencies, and others in preventing further school violence and ensuring school safety;**
- 5) The effectiveness of juvenile justice legislation passed in 1995 and the Safe Schools Act of 1996;**
- 6) The policies and procedures of law enforcement, executive departments, court administrators' offices and juvenile offices that relate to school violence and safe children;**
- 7) How state and local agencies are working together to help identify children with problems which could lead to violence, and what recommendations or improvements should be made; and**
- 8) What legislative action, if any, is to be recommended to prevent further violence and ensure school safety.**

The Committee held public hearings at the following locations:

Kansas City	November 1, 1999
St. Louis	November 8, 1999
Hannibal	November 10, 1999
Rolla	November 12, 1999
Jefferson City	November 15, 1999
Arnold	November 19, 1999

Over 110 individuals and entities throughout Missouri presented oral and written testimony to the Committee, including students, parents, teachers, principals, superintendents, school board members, professionals in the fields of education, mental health, law enforcement, social sciences and juvenile law, and concerned citizens.

ISSUES

Following are some of the many concerns, ideas, suggestions and recommendations received by the Committee on a variety of issues.

Safe Schools Act

All students suspended from school must be provided with alternative education under the Safe Schools Act. This may include in-school programs or day programs at other locations, and may be provided directly by school personnel or contracted from other public or private agencies. In all locations and by all witnesses who discussed it, alternative education was hailed as one of the most effective and beneficial provisions of the Safe Schools Act: it increases student safety by removing disruptive students from traditional classrooms; it keeps those students from being let loose, unsupervised, into the community; and it gives those students a continuing opportunity to receive an education and perhaps, necessary treatment or counseling. For all these reasons, the Committee received repeated requests that

state funding be increased to allow more schools to carry out this function. Also, not one witness who testified supported requiring a separate certification for teachers in alternative education programs.

The Safe Schools Act requires juvenile officers to notify schools when students are charged with committing violent crimes. While this provision goes a long way in promoting school safety, because the notice requirement encompasses only minors (under the age of 17), commission of violent crimes by students aged 17 to 21 years are not reported to the schools. The Committee heard testimony that this oversight should be corrected.

School officials and employees were appreciative of the immunity granted them under the Safe Schools Act for reporting to law enforcement the commission of certain criminal acts by students; however, they expressed concern about their potential civil liability for reporting other information relating to school safety. They requested that they be granted statutory immunity for good faith reporting of any such information.

Many witnesses asserted that it is difficult to know and understand the scope of school violence in Missouri and whether the Safe Schools Act is adequately addressing this issue, because schools are not required to report publicly on the rates and durations of, and reasons for, suspensions and expulsions. Requests were made to the Committee to require this type of public reporting by schools.

Under the residency requirements of the Safe Schools Act, if a child's caretaker is not the court-appointed legal guardian but wishes to enroll the child in the school district where the caretaker lives, the caretaker first must become the court-appointed legal guardian. Because this procedure involves alleging parental unwillingness, unfitness or inability, it may become contested and expensive. One recommendation was to change the residency requirements under the Safe Schools Act so that caretakers who are not court-appointed legal guardians of children can enroll them in the school district where the caretaker lives without having to request a proof of residency waiver and then having to prove hardship or good cause. Other suggestions included enacting some form of an educational residency power-of-attorney, and amending the guardianship-of-minors statute to include a less adversarial category.

In the opinion of many witnesses, there should be zero tolerance for student assaults on school personnel by making such assaults carry the same minimum one-year suspension or expulsion that bringing a weapon to school carries. Others felt that there should be (criminal) penalties for students who post threats against other students or school personnel on the Internet.

The vast majority of feedback about the Safe Schools Act received by the Committee was positive. Nonetheless, a few recommendations for improving the effectiveness of the Safe Schools Act were offered: defining "school premises" to include areas around the school for purposes of the weapons provision; clarifying that the definition of "school district" is not limited to public schools; clarifying that readmittance hearings are mandated only for long-term suspensions under the Safe Schools Act; penalizing schools that do not timely comply with the Safe Schools Act information sharing provisions (i.e. slow in requesting a transfer student's records and placing the student in classes before receiving the records; or, slow in responding to another school's request for a former student's records); and establishing a central data collection site for the required records requested and supplied under the Safe Schools Act.

School Safety Measures

Students and teachers alike stated that the presence of a "resource officer" in the school greatly increased their feeling of safety. One witness told the Committee that in rural school districts, a "resource officer" in the school was the only realistic deterrent to violence available, but those school districts could not afford to hire one. In part for these reasons, a request heard often by the Committee was that operational expenditures (i.e. "resource officers", security cameras, etc.) should be exempted from the salary compliance mandates of the school foundation formula.

Other issues mentioned relating to school safety include:

Developing crisis teams in all schools statewide.

Requiring all students, teachers and staff to wear clearly visible photo ID tags.

Establishing Safe Schools Hotlines for all school districts.

Installing telephones or other means of 2-way communication in every classroom.

Requiring gun manufacturers to provide trigger locks on all new weapons sold in Missouri, and otherwise limiting children's access to guns.

Mental Health

Both mental health and education professionals cited a tremendous need for more certified school counselors. Some witnesses felt that this need could be filled by reexamining and perhaps decreasing the certification requirements for school counselors. Others felt that all aspects of the certification requirements were necessary and that increasing pay would attract more qualified people.

Many witnesses testified that there needed to be less fragmentation of state-sponsored youth services, with a particular need for more coordination among the agencies providing mental health services, so as not to duplicate them. Others took this idea further, suggesting that all state-sponsored mental health services should be under the aegis of the Department of Mental Health, including those mental health services currently administered by the Department of Social Services; and current DSS, CHIP, and MC Plus mental health funding should be transferred or diverted to the Department of Mental Health.

Getting more mental health services into schools was another frequent issue raised before the Committee, including the need for more school psychiatrists or other mental health professionals.

Additional suggestions relating to mental health include:

Promoting a closer relationship between schools, the Department of Mental Health, and the Department of Family Services.

Educating the public about mental illness and the mental health services available.

Making mental health services available in all schools by developing contracts between schools and area mental health agencies or community mental health centers.

Amending Medicaid provisions to make it possible for community mental health centers to provide medicaid-billable services in the schools.

Training educators on the early identification of children with mental and emotional disorders and children displaying the imminent warning signs of violent behavior; and providing access to mental health professionals once these children are identified.

Prevention/Intervention

Recommendations received concerning prevention/intervention were:

Establishing "Fight Free" programs in every elementary school.

Increasing funding for early childhood education, especially preschool programs for 3-4 year olds.

Using tobacco settlement money to fund a wide range of prevention activities within communities (such as the "Fight Crimes - Invest in Kids" program) and for mental health services.

Increasing dissemination of information and cooperation between and among agencies and schools regarding existing safety and violence prevention programs and resources.

Increasing awareness of existing violence prevention resources, such as the Missouri Center for Safe Schools.

Having state agencies conduct in-services at schools to educate and inform school personnel about the different services available through those agencies.

Increasing state agencies' collaboration and integration of services.

Funding more violence prevention and early intervention programs.

Decreasing school truancy.

Flexibility in Funding and Control

An issue constantly raised around the state was the need for more flexibility and control at the local level, primarily regarding funding, to allow schools to address the unique circumstances of their school and community environments and to tailor their budgets and policies accordingly. Some witnesses also expressed concern that funding be new, not simply a reallocation, and stable, with no sunset provisions or progressive reductions.

Charging & Prosecuting Minors

The Committee heard varied testimony in the area of prosecuting minors who commit crimes. In one witness's opinion, Missouri should come in line with the majority of states that give prosecutors more discretion and involvement in charging juveniles who commit crimes, even when they are not certified as adults and are "prosecuted" through the juvenile court system. Other witnesses felt that "automatic adult certification" statutes, which require juveniles to be tried as adults for certain crimes, take away too much discretion from juvenile courts.

CONCLUSION

The Committee is uncertain at this time as to the need for specific legislation in response to the many suggestions and recommendations it received.

TESTIMONY RECEIVED

Kansas City - November 1, 1999

Witness

Superintendent Gayden Carruth
Park Hills School District

Susan Anderson

Principal Martha Cockerell
Hall-McCarter Middle School

Lt. Col. Morris E. Patrick

Lori Thomas
Children's Mercy Hospital

Robert Bauermeister

Sharon Stewart

Laura L. Dodson

Testifying on behalf of/as:

MO. Ass'n of School Administrators

MO. Center for Safe Schools

MO. Ass'n of Secondary School Principals

Missouri State Highway Patrol

concerned citizen

Dept. of Mental Health, Div. of MR/DD

concerned parent/member of PTA

Dept. of Mental Health

St. Louis - November 8, 1999

Witness

Steven R. Carroll

Charles E. McCrary

Superintendent Dr. Lynn Beckwith, Jr.
University City School District

Robert P. McCulloch

Beth Griffin

Mary E. Wertsch

Nicholas M. Wertsch

Christa Thomas

Testifying on behalf of/as:

St. Louis Public Schools Board of Education

Director of Safety & Security
St. Louis Public Schools

Cooperating School Districts of
Metropolitan St. Louis

St. Louis County Pros. Attorney

Citizens for Missouri's Children

Missourians Against Handgun Violence

Student - Brittany Woods Middle School

Student - Brittany Woods Middle School

Alex Magrath	Student - Brittany Woods Middle School
Brandon Reid	Student - Brittany Woods Middle School
Stephanie Horton	Student - Brittany Woods Middle School
Chris Mozier	Student - Brittany Woods Middle School
Principal Neal Penberthy Windsor Middle School	MO. Ass'n of Secondary School Principals
Director Gary Kempker	Dept. of Public Safety
Col. Weldon L. Wilhoit	Missouri State Highway Patrol
Greg Jung	Missouri NEA
Michael Davis	35th Judicial Circuit Chief Juvenile Officer
Edward F. Tasch	Nat'l Council on Alcoholism & Drug Abuse
Robin C. Murphy	Children's Legal Alliance - Legal Services of Eastern MO.
Principal Steve Jurkins	Hazelwood West High School
Barbara Powers	Behavioral Health Response, Inc.
Jim Richardson St. Louis Metropolitan Police Dept	concerned citizen
Dr. Karl Wilson, Ph.D	Crider Center for Mental Health; MO. Coalition of Comm'y Mental Health Ctrs.
Valerie K. Brauks	Crider Center for Mental Health
Cathy Ditraglia Office of the Public Defender	concerned citizen
Patricia Harrison Office of the Public Defender	concerned citizen
Diana Fendya	Cardinal Glennon Children's Hospital
Marge Parrish	Nat'l Alliance for the Mentally Ill--NAMI

Tricia Schlechte

Dept. of Health

Carleton Williams

Div. of Youth Services

Don Pokorny

Div. of Youth Services

Patricia Carter

Dept. of Mental Health

Hannibal - November 10, 1999

Witness

Superintendent Larry R. Dew

Paula Neese

Dr. Elizabeth E. Strobe, Ph.D

Rick Buckwalter

Katie Sauer

Lacey Blue

Principal Michael D. Lewton

Principal John Bringer
Hannibal Public Schools

Superintendent Larry Flanagan
Elsberry R-2 Schools

Superintendent Dr. Mike Newell

Asst. Superintendent Ronald G. Brandly

Terry Finn

Philip Livesay

Lisa Davis Orf

Michael Richardson

Testifying on behalf of:

Pike County R-III Clopton School District

Div. of Family Services - Area 2

Dept. Of Mental Health
Task Force on School Violence

Mark Twain Area Counseling Center

Student-Hannibal School District

Student-Hannibal School District

Hannibal High School

MO. Ass'n of School Administrators

MO. Ass'n Rural Educators

Bowling Green R-I School District

Troy R-III School District

Div. of Youth Services

10th Circuit Juvenile Officer

concerned parent

Family Resource Center

Rolla - November 12, 1999

Witness

Kenan Omurtog

Gannet Tseggai

Maya Isaac

**Dr. Roger Berkbuegler, Principal
Rolla High School**

David Duncan

**Superintendent Dr. Larry Ewing
Rolla #31 Schools**

Michele Northcutt

Detective Mark A. Williams

Linda Giger

Susan Blue

Russell L. Shelden

Asst. Principal Audrey Kell

Barbara French

Eva Caroline Bradford

Testifying on behalf of/as:

Student - Rolla High School

Student - Rolla High School

Student - Rolla High School

MO. Ass'n of Secondary School Principals

Family Oriented Counseling Services

MO. Ass'n of School Administrators

Dept. of Mental Health

**Phelps County Sheriff's Dept.;
Newburg Public Schools Board of Education**

**Director of Special Services
Rolla Public Schools**

Div. of Family Services

25th Judicial Circuit, Juvenile Division

Houston High School

NAMI of Central Ozarks

Div. of Family Services

Jefferson City - November 15, 1999

Witness

LaShae Boone

Emery Burks

Albert Williams

Ashley Steffes

Testifying on behalf of/as:

Student-Lewis & Clark Middle School

Student - Lewis & Clark Middle School

Student - Lewis & Clark Middle School

Student-Lewis & Clark Middle School

Bob Fry MO. Statewide Parent Advisory Network	concerned citizen
Barb Scheidegger MO. Statewide Parent Advisory Network	concerned citizen
Superintendent Dr. Bert Kimble	Jefferson City Public Schools
Judge Patricia S. Joyce	concerned citizen
Colleen Perch	MO. Council of School Administrators
Carter Stewart	MO. Council of School Administrators
Principal Jim Head Centralia High School	MO. Ass'n of Secondary School Principals
Greta Myers	MO. School Counselors Association
Mark J. Madigan	Scotts County Juvenile Officer
Director Dorn Schuffman	Div. Comprehensive Psychiatric Services
Director Mark D. Steward	Div. of Youth Services
Gary A. Waint	Office of State Courts Administrators
Gary Sharpe	MO. Ass'n School Administrators; MO. Ass'n Elementary School Principals
Melissa Randol	MO. School Boards Association
Rhonda Flynn	NAMI of Missouri
Bob Whittet	Family Mental Health Center
Dr. Jim L. King	MO. Ass'n Secondary School Principals

Arnold - November 19, 1999

Witness
James Shiels, Jr.

Nicholas Garcia

Testifying on behalf of/as:
Jefferson County Community Partnership

Student - Fox High School

DeAnna Bryant	Student - Fox High School
Jenny Breece	Student - Fox High School
Elizabeth Freeman	Student - Fox High School
Amanda Masters	Student - Fox High School
Katia Johnson	Student - Fox High School
Nicholas Reynolds	Student - Fox Junior High School
Dr. Robert Taylor Festus R-6 School District	MO. Ass'n of School Administrators
James E. House, II Dept. of Mental Health	Mental Health Ass'n of Greater St. Louis
Principal Dr. Peggy Dolan McNair Elementary School	Fight Free Schools, Inc.
Dr. Stephen F. Huss	COMTREA Community Mental Health Ctr.
Jan Speck Windsor High School Counselor	MO. School Counselors Ass'n
Kip Seely Family Court Administrator	St. Louis County Family Court
Lew Mueller	Div. of Youth Services
Judge Dennis J. Kehm	MO. Div. of Youth Services Advisory Bd.
R. Keith Shaw, Ph.D Div. of Comprehensive Psychiatric Services	Hawthorn Children's Psychiatric Hospital
Gil Alderson	Jefferson County Juvenile Officer

Written

Glen Allen	Institute for Peace & Justice
Jeani Longstreth	28th Judicial Circuit, Juvenile Court